



The obligation  
of  
**Taqlid**

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Shaykh al-Hadith Fazlur Rahman Azmi

# **The Obligation of Taqlīd**

The Harms of Abandoning it, with special regards to making Taqlīd of an Individual

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## Table of Contents

Forward.....	3
About the Author .....	9
Translator's Preface .....	17
What is <i>Taqlîd</i> ? .....	21
The Necessity of <i>Taqlîd</i> .....	24
Objection .....	26
Answer .....	27
Proofs of the Necessity of <i>Taqlîd</i> from the Noble Qurâñ.....	30
Proofs of the Necessity of <i>Taqlîd</i> from the <i>Ahâdîth</i> .....	36
Proofs of <i>Taqlîd</i> of an Individual.....	38
The Testimony of Maulânâ Husayn Batalwi ﷺ .....	48
A question was posed to Maulânâ Rashîd Ahmad Gangohî رحمۃ اللہ علیہ .....	50
Will practicing upon the opinions of other <i>Hanafî Imâms</i> still classify as <i>Taqlîd</i> ?.....	56
A Rational Example of <i>Taqlîd</i> .....	60
An Objection and its Clarification.....	62
Other Books on the Topic of <i>Taqlîd</i> .....	64

# Forward

Muftī Masood Casim

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With Qiyāmah (the day of judgment) approaching fast, the Signs are escaping us in a flash, leaving us bewildered and straining to see through the eyeglasses of the many preconceived notions of what these Signs mean. We are left unraveling history to understand what unfolded before our very own eyes; yet went by unnoticed. Among this unraveling, in fact one of the most important discoveries is the purport and significance of the following *Aḥādīth*:

Hadrat Abū Hurairah ﷺ reports that Rasūlullāh ﷺ said, “*Such a time will pass upon my Ummah where the Qurra’ will be in abundance, the Jurists will be a few, knowledge will be seized and murder will become rife...*”

In a narration reported by Imām Ahmed رضي الله عنه، when Hadrat Abū Hurairah ﷺ quoted the same Hadith above, Hadrat ‘Umar ؓ who was listening added an explanation to the words, “*knowledge will be seized,*” saying, “*It is not that it (knowledge) will be removed from*

*the hearts of the ‘Ulamā (scholars), rather the ‘Ulamā will dwindle.” Hadrat ‘Umar ﷺ in all probability heard the words of Rasūlullāh ﷺ reported by ‘Abdullāh bin ‘Amr ﷺ: “Verily, Allah ﷺ will not take knowledge by seizing it suddenly from men; rather He will lift knowledge by taking the ‘Ulamā. Until when no ‘Ālim (scholar) remains, people will make the ignorant their leaders. These leaders will be consulted and they will pass verdicts without knowledge. They will go astray and lead others astray.” [This narration has been narrated by: Imām Ahmed, Imām Bukhārī, Imām Muslim, Imām Tirmidhī, and Imām ibn Mājah]*

Some *Sahābah* perplexed at the statement of Rasulullah ﷺ asked, “How is it possible that knowledge be lifted from us when we recite the Qurān, teach it to our wives, children and they will continue in the same fashion.” The answer was, “Do not these Jews and Christians have their holy books? They have not adhered to it, even a single thing therein.” This *Hadīth* is reported by Imām Ahmed رضي الله عنه in his *Musnad*. In some narrations the following words appear, “Allāh ﷺ will not raise knowledge suddenly, rather He will raise the bearers of knowledge. And no ‘Ālim (scholar) goes from this Ummah except that he leaves a

*vacuum which will never be filled till the Day of Judgment.”*

Another pertinent sign is that people will succumb to their desires and every person will hold his own opinion in the highest esteem. This together with other points of pertinence have been reported by Imām Bukhārī رضي الله عنه in his book *al-Adab al-Mufrad* wherein he narrates from Ibn Mas'ūd رضي الله عنه who said, “*You are witnessing such a time where the Jurists are in abundance, orators a few, questions are less, those qualified to answer are in abundance, deeds control desires, such a time will come after you where the Jurist will be few, orators in abundance, a lot of questions, few qualified to answer, desire will control the deeds...”*

The summary of the above explains the “Salafis” and “non-Mazhabites” in the making. Knowledge will be seized and jurists will be a few; in spite of the presence of ‘Ulamā. The presence of the Qurān with us will be of no consequence; since nobody will be practicing on it. Desires will be king, and every person who gives opinion will be proud of his own opinion. This spells out our present situation and explains the

root cause of the thought or rather “attitude” that prevails today.

Because following the desire has become the order of the day, majority of the votes are tendered for the “Islām” that can blend in with the lifestyle that we have already adopted. If the society has stooped to this ebb, a Jurist whose principle is – and their principles always have been - how a person should be “on the safe side” regarding Allah ﷺ, will be an unappreciated gem. If a patriot of this new-world-thought blows his trumpet against the men of learning, where do we find someone learned who can judge between them in a crowd who have already made a decision. If a layman argues with a constitutional expert; what is the value of another layman agreeing with the first? This is exactly the situation that we find ourselves in today: A person challenges great Jurists of Islām and presents his proof. The layman who has no clue of what proof the Jurists have; never mind the level of knowledge required to understand that proof.

The issue is very simple to understand: if a man’s sole objective is to please Allāh ﷺ, his focus is the

*Ākhirah* (hereafter) and he is conscious of death; he will not compromise on his Deen. He will adopt a principle of “being on the safe side” and he will look for decisions from a man who holds the same principle. The famous master in *Hadîth*, Sufyân bin ‘Uyainah رضي الله عنه says:

التسلیم للفقهاء سلامۃ فی الدین

*“In submission to the Jurists lies the safety of Dîn  
(religion).”*

On the other hand, someone who finds consolation in new-Islâm trends from the guilt that he is always suffering from the common understanding of Dîn (religion) is obviously not only going to follow that new-Islâm, but he will also promote it.

So that is the “Salafiyyism” trend which is catching on like wild fire; especially in the universities and professional circles. As we have explained before that the root cause of this new-cult is we find it difficult to submit in this new age of free thought. As foreseen by their leader Maulâna Hussayn Batâlwi رحمه الله عليه ، their position eventually even affects their belief structure which is why the “Salafis” also differ with us in tenets of

faith. But, by the grace of Allâh ﷺ, there will always be those few Jurists and men of deep understanding available in every era to seize these *fitnahs* in their wake. A stalwart in these ages is the learned author Shaykhul Hadîth Maulâna Fazlur Rahman ‘Azmî. Shaykhul Hadîth has collected and sorted such material in preparing this treatise that is comprehensible for those who are not acquainted with the Islâmic sciences. This is far from the lessons of Bukhâri and Tirmidhî of Shaykhul Hadîth. His lessons are distinct by always being filled with evidence, marked for accuracy, free from partiality, an eye-opener for the “anti-Mazhabists” and light for the biased.

We make du’â that Allâh ﷺ accepts this effort of Shaykhul Hadîth and all those who were instrumental in making this book available for the benefit of all. –  
Āmîn-

This lowly servant  
Masood Cassim  
Azaadville

## About the Author

Recognizing the author plays a great role in truly appreciating and taking benefit from a book. The one who has embedded the recognition of Allâh ﷺ in his heart will attain much more benefit from the Noble Qurâن than the one who has not. On this basis Allâh ﷺ commenced His book with His praise and has beautifully laid it out throughout the Noble Qurâن. In the same manner, so we can fully treasure this book, I would like to briefly introduce the author of this book.

Shaykhul Hadîth Maulânâ Fazlur Rahmân ‘Azmî was born in 1365/1947 in Maunath Bhanjan (Mau), Uttar Pradesh, India. Shaykhul Hadîth embarked on an intensive period of studying during which he mastered Arabic, Persian, and Urdu. He commenced and completed his studies in Mau. Upon completion of the rigorous *Shari’ah* program (*Ālim* course) at Madrasah Miftâhul ‘Ulûm, Mau, 1386/1966, in the traditional Islâmic sciences, he studied the various modes of Qurânic recitations (*Qirâ’ah*), thereafter specializing in Hadîth, and answering legal questions (*Iftâ*) under the great scholar of Hadîth, Shaykh Habîbur Rahmân ‘Azmî

Amongst his honorable teachers are: Shaykh ‘Abdul Laṭīf Nu’mānī, Shaykh ‘Abdul Jabbār ‘Azmī, Shaykh Hafizur Rahmān ‘Azmī (the author’s respected father), and Shaykh ‘Abdur Rashīd Husaynī (who gifted his personal copy of *Tuhfat al Ahwazī*, a commentary on *Tirmidhī*, to the author).

Shaykhul Hadīth’s illustrious teaching began in his hometown of Mau. On the advice of his teacher he moved to Madrasah Mazharul ‘Ulūm, Varanasi, where he taught for four years. In 1394/1975 he relocated to the renowned seminary, Jāmi’ah Islāmiah Dābhel, Gujarāt, where he taught major books of *Tafsīr* (Qurānic exegesis) - *Jalālayn*, *Hadīth* - *Tahāwī*, *Nasā’ī*, *Ibn Mājah*, *Mu’atāh Imām Mālik*, *Mishkāt*, *Fiqh* (Islāmic Law) - *Hidāyah*, *Qirā’ah Sab’ah* and *‘Asharah*. He also taught *Sharh al Jāmī*, *Hamāsah*, and *Dīwān al Mutanabbi*. He wrote a biography of the *imāms* of *Qirā’ah* and a history of Jāmi’ah Islāmiah Dābhel. In 1406/1986 he was invited to Madrasah Arabiah Islāmiah, Azaadville, South Africa and was offered the post of Shaykhul Hadīth (senior lecturer of *Hadīth*). To date he has taught *Sahīh al Bukhārī*, *Sahīh al Muslim*, *Sunan al Tirmidhī*, *Mishkāt al Masābīh*, *al Ashbāh wa*

*Annazâir* and other major books at this institute. He also taught *Abû Dâ'ûd*, *Ibn Mâjah*, and other books in his spare time. Shaykhul Hadîth currently resides in Azaadville with his family.

In 2001, Dârul 'Ulûm Chatsworth, Natal, was established, under the author's supervision, the number of students increased from 5 to currently consisting of 120 students. They cater for part-time and full time *hifz* students. Their *Islâmic* education reaches till the *Sîhah Sittah* (6 authentic Hadîth compilations). They offer a course in the various modes of Qurânic recitations (*Qirâ'ah*) and *Da'wah* as well. Under their management, many other institutions have also been established. Madrasah Rahmâniah, Laudium is currently running under the author's supervision, and are providing many services to the Muslim community. In 2002, Shaykhul Hadîth laid the foundation of Madrasah Da'watul Haq, Azaadville, which consists of 160 students. They offer courses in *Islâmic* as well as in secular education. Many of the students are orphans, there are such students whose parents are non-Muslims or one parent is a non-muslim. The institution bears the students educational and living expenses.

Shaykhul Hadîth is a prolific writer and has authored over 40 books. His most famous works include: an introduction to Sahîh al Bukhârî, Sunan al Tirmidhî, and At Tahâwî, Târîkh Jâmiyah Dâbbel, The obligation of composure in Qaumah and Jalsah and the supplications of them both (Urdu and English), The reality of the fifteenth of Sha'bân, Turban Kurta and Topî (in the light of the Ahâdîth and the sayings and practices of the pious predecessors), The correct and appropriate distance that necessitates shortening of prayer, Biography of Imâm Abû Hanîfah, Imâm Abû Yûsuf, and Imâm Muhammad, Biography of the *Imâms* of Qirâ'ah, Maqâlât 'Azmî, and many books on the topic of *Da'wah* and *Tablîgh*.

Shaykhul Hadîth has also been active for many years in the field of *Da'wah* and *Tablîgh* and undergoes journeys to many different countries. He has a connection with *tasawwuf* (sufism). He first took *bay'at* on the hands of Shaykh Zakariyyah رَحْمَةُ اللّٰهِ عَلَيْهِ and under his orders he formed a *Islâhî* (self reformation) connection with Shaykh Muftî Mahmûdul Hasan رَحْمَةُ اللّٰهِ عَلَيْهِ. He then formed a connection with Shâh Hakîm Akthar (may Allâh ﷺ grant him long life) and became one of his

distinguished disciples (*Khalîfah*). Many have benefitted from Shaykhul Hadîth in the line of sufism.

For this ungrateful servant to praise Shaykhul Hadîth would be a complete injustice to his rank. Therefore, I would like to mention the quotes of one of Shaykhul Hadîth's most beloved students and our honorable teacher and other contemporaries of Shaykhul Hadîth:

Muftî Muhammad Saeed Motara, senior lecturer and senior Muftî at Madrasah Arabiah Islâmiyah, Azaadville, South Africa says, "My teacher, the compassionate Shaykhul Hadîth Fazlur Rahmân 'Azmi's celebrated personality is not in need of introduction. Whilst on the other hand, Shaykh's passion for knowledge and absorption in it, not only reminds one of the pious predecessors and is an invaluable asset, on the other hand, when it comes to practice and where piety is concerned, he is the *Ummah*'s priceless gem. Furthermore, where he showers pearls in the classroom and in the public arena, he also flies the flag of Ilyâs (may Allâh ﷺ have mercy on him) in the field of

*Da’wah* and *Tablîgh*, where he is a champion of the prophetic mission.”

Shaykhul Hadîth once visited Hadrat Shaykh Ahmed Partâbaghdî ﷺ, Hadrat was resting and out of respect Shaykhul Hadîth sat next to his feet, immediately Hadrat shifted his feet away from Shaykhul Hadîth. When Shaykhul Hadîth was parting Hadrat gifted a new 10 rupee note to him (this was out of the love and respect that Hadrat had for Shaykhul Hadîth).

Shâh Hakîm Akthar (may Allâh ﷺ grant him long life), mentioned in a letter written to Shaykhul Hadîth, “Your beloved letter has delighted the heart and caused the soul to experience a state of ecstasy. Congratulations are in order for your loving zeal.”

Muftî Muhammad Fârûq Mîrathî (May Allâh ﷺ grant him a long life) writes. “From amongst the scholars is Maulânâ Fazlur Rahmân ‘Azmî who teaches *Sahîh al-Bukhârî* and who previously was the teacher of *hadîth* at Jâmiah Islâmiyah Dâbhel. He is worthy of mention here and of whom the term “mountain of knowledge” is most appropriate” (*Ifriqiyâ aur Khidmât-e Faqîh al-Ummah* v1 p161).

When Shaykh Fârûq Makkî (May Allâh ﷺ grant him a long life) visited South Africa in 1422/2001 he took time out of his busy schedule to attend Shaykhul Hadîth's lesson, after which he commented, "such a well-researched lecture is of the type that Shaykh Binnûrî رحمۃ اللہ علیہ used to deliver. To find a lesson of such quality nowadays is most rare. His mere presence is a great bounty for the people of South Africa. If he was not here then perhaps the religious environment would not be as it is. May Allâh ﷺ grant the people of South Africa appreciation for him. *Āmîn.*

Shaykh Zuhayr (of Madînah Munawwarah) and Shaykhul Hadîth met by a pillar in Masjid Nabawî behind the *suffâ* (raised platform) between Maghrib and 'Ishâ prayer. At that time, Shaykh Zuhayr's son was sleeping at home (in Madinah Munawwarah) and he had a dream in which he saw Nabî Muhammâd ﷺ saying to him: "You are asleep and my gathering (a gathering of *hadîth*) is taking place in my mosque!" He awoke quickly, made *wudû*, rushed to the mosque directly to the pillar he had seen in his dream. When he arrived, he noticed it was there that Shaykhul Hadîth was granting authorizations in *hadîth* to those present.

He informed his father of the dream who, in turn, conveyed the glad tidings to Shaykhul Hadîth who immediately began to cry. Shaykh Zuhayr obtained authorization for himself, his son-in-law, and his daughter, and later praised Shaykhul Hadîth in the following words, “The like of this Shaykh is rare, most rare.” He went on and mentioned to Shaykhul Hadîth’s students who were present, “hold firmly to him... firstly, because of his faith, then because of his love of Nabî Muhammad ﷺ, then because of his knowledge.”

For more information concerning the remarkable life of Shaykhul Hadîth, refer to, “A brief biography of Shaykhul Hadîth Fazlur Rahmân ‘Azmî”, written by Shaykhul Hadîth’s beloved son, Muftî ‘Atîqur Rahmân ‘Azmî.

We pray to Allâh ﷺ that He continues to shower His special blessings upon Shaykhul Hadîth, grant him a long life, and that we do not let history repeat itself, where we only realize what great personalities we have amongst us, after Allâh ﷺ has taken them from us. *Āmin.*

## Translator's Preface

All praise is due to Allāh ﷺ who has promised to protect His perfect and pristine religion, Islam, from any undue augmentation or any unwarranted deficiency. Who has promulgated His word, the Noble Qurān, as the differentiation between truth and false-hood. Who has sent Nabī ﷺ as the seal of prophet-hood and as a paradigm for all mankind until the Day of Judgment. Who has sent such luminaries throughout history who bore the burden of the preservation of this religion, regardless the cost. When Allāh ﷺ decided to protect the Noble Qurān, the means of *Huffāz* were used. When Allāh ﷺ decided to protect the *Aḥādīth* (narrations of Nabī ﷺ), *Muḥadīthīn* were sent. When Allāh ﷺ decided to protect the laws of Islam, Jurists were prepared.

Today the general trend of thought circulating amongst the masses is that success lies exclusively in the advancements of society. However, this notion cannot be applied across the board. It may be applicable in our worldly affairs, but in regards to religion, which is the

basis of a Muslims code of life, this concept is nothing but a false impression. The blueprint of our success has been mapped out by the contemporaries of Nabî ﷺ and those who followed suite in their approach and methodology. There will definitely be new challenges in religion which must be dealt with. However, when confronting these obstacles we cannot forget the principles laid out by such great contemporaries.

*Taqlîd*, which might be a new ideology to some of us, has in reality been around from the fourth year of Islâm. When the jurists began to witness the degeneration of the Muslim populous, for the protection of this religion from the mass' *nafs* (base desires), they declared *taqlîd* incumbent. In this era, where following ones base desires has become the norm and searching for the "easy way out" has become the standard methodology, it has become manifest how important *taqlîd* is. This was one of the motivating factors for the author to write on this subject matter.

This monograph is actually part of a collection of researched topics by the author. This was originally prepared for the scholars in the field of Islâmic studies; therefore, terms and certain portions were not discussed

in detail. Consequently, I have, to the best of my ability, explained them in footnotes where explanation is needed. I have written a few lines introducing all the scholars that the author brings forth in this treatise. Where the author quoted from a text ambiguously, I cross-referenced the original text and quoted the content needed for easier understanding. In order for an enhanced understanding of this monograph, special attention should be given to the footnotes. If any mistake is found then it should be attributed to the translator and **not** to the author, and I humbly request one and all to relay them to me. It can be forwarded to saadk565@gmail.com.

It is only with the granted ability which Allâh ﷺ has bestowed upon me that I could translate this monograph. I thank Allâh ﷺ for giving me this opportunity and hope it will be a means of my guidance in this world and a means of my salvation in the hereafter. I would also like to thank my dearly loved parents for bestowing me with the opportunity of attaining this invaluable, Islâmic knowledge. I would like to thank my beloved Shaykh (the author of this monograph) for guiding me and shedding light upon

my darkened heart. I would like to thank all my beloved teachers for the knowledge they have parted on this lowly servant, with special regards to: Maulānā Ridwan Kajee, Maulānā Moosa Kajee, Maulānā Abdullah Dhabhelia, Muftī Masood Cassim and Maulānā Ziyad Hussain who all assisted in preparing this translation. Finally, I would like to thank my peers, who endlessly assisted me in preparing this translation, Muftī Abdullah Moola, Samir Ali, Moosa Monia, Abdul Razzaq Salyani, Muhammed Ridwaan Minty, and Muhammad Patel. May Allāh ﷺ fully reward all those mentioned and those who have not been mentioned.

Saad Khan,  
8 *Safar* 1432 (17 January 2011)

## What is *Taqlîd*?

### DEFINITION OF *TAQLID*:

العمل بقول امام مجتهد من غير مطالبة دليل او بغير معرفة دليل

*To practice upon an opinion of a Mujtabid<sup>1</sup> without demanding any proof, nor having any prior knowledge of a proof*(of the law that the mujtahid presents).

*Taqlîd* (uncritical faith in a source's authoritativeness) is not founded upon such a law which was decreed by the Noble Qurân and *Ahâdîth* (narrations of Nabî Muhammad ﷺ) in a *qatî'*

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<sup>1</sup> *Mujtahid*: A qualified scholar i.e. Who posseses in depth knowledge in the sciences of the Arabic language including all of its branches (etymology, morphology, grammar, etc.), *balâghat* (eloquence, rhetoric). He is informed of the laws extracted from the Noble Qurân and *Sunnah*, even though he has not necessarily memorized all of their texts. He knows in which laws to make *ijtihâd*. He is well aware of those verses of the Noble Qurân which have been abrogated and those verses which abrogates, and supersedes, other verses. He has knowledge of the motivating events behind the revelation of the Qurânic verses. He knows the condition of the narrators of *Hadîth* and is well informed in other sciences besides these. [*Al Mustalahât wa Alfâz Al Fiqhîyya - Mahmûd 'Abdur Rahmân 'Abdul Muni'm*, vol. 3 p. 217]

(undisputable) manner<sup>1</sup>. Instead, *taqlîd* will only be made of a *mujtahid* (expert jurist), when the law is incomprehensible because of it being: abstract, ambiguous, or contradictory. By means of an example, the obligations of, the five *salât*, fasting, the giving of *zakâh*, and *Hajj* all have *qatî'* proofs. Therefore, *taqlîd* and *ijtihâd*<sup>2</sup> are not necessary in these instances. In the same manner the prohibitions of stealing and adultery are established through *qatî'* proofs. On the contrary, *taqlîd* will be necessary in such a law wherein there is ambiguity, vagueness, or “apparent” contradiction. An example of ambiguity is, what is meant by the word *qurû*,<sup>3</sup> in the verse:

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<sup>1</sup> *Qatî'* proof: such a proof in which there is no possibility of doubt being created regarding that law which it proves. [*Al Mustalahât wa Alfâz Al Fiqhiyya* - Mahmûd ‘Abdur Rahmân ‘Abdul Muni’m, vol. 3 p. 104]

<sup>2</sup> *Ijtihâd*: To do research in an Islamic law to the extent that, apparently no more research can be done. [*Qâmûs al Fiqh* - Maulânâ Khâlid Sayfullâh Rahmânî vol. 1 p. 503]

<sup>3</sup> *Qurû*: The verse has stipulated that the waiting period for a divorced woman, in order to remarry is three *qurû*. The word *qurû* in the Arabic language is a word with dual meaning, either the monthly menstrual period (*hayd*) or the time of purity between the monthly period (*tubr*). If the former meaning is taken, then the ruling would be that the divorced woman should wait for three menstrual cycles (*hayd*) to elapse. If the latter meaning is taken then the ruling would be that the divorced woman should wait the period between her

وَالْمُطَلَّقَاتُ يَرْبَصُنَ بِأَنفُسِهِنَ ثَلَاثَةٌ قُرُونٌ

*“Divorced women should wait (abstain from marriage) for three qurū”*

*[Sûrah al Baqarah (the Cow) 2: 228]*

An example of vagueness can be found in the law of *muzâra’ah*<sup>1</sup> (temporary crop sharing contract). Due to the different possible types of this partnership, *ijtihâd* is necessary to determine which type is permissible and which is impermissible. An example of “apparent” contradiction can be found in the narrations regarding whether the Noble Qurâن should be recited behind the *imâm* (person who leads the people in congregational prayer) or not. Which circumstance is meant by which narration?<sup>2</sup> For these problems to be solved, *taqlîd* is

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menstrual cycles (*tuhîr*) to have expired. The question is which one of these two meanings is applicable? [The legal status of following a *madhab* - Muftî Taqî ‘Uthmânî, p. 9]

<sup>1</sup> *Muzâra’ah*: A specific kind of farming in which an agreement is made by a land lord and a farmer, who is hired by the land lord, to cultivate his land. The agreement stipulates the amount of produce which is to be divided by each party. There were several forms of *muzâra’ah* practiced during the time of Nabî ﷺ. Again, the question arises, which form will one practice upon? [The legal status of following a *madhab* - Muftî Taqî ‘Uthmânî, p.9]

<sup>2</sup> Nabî ﷺ has mentioned in a narration, “whoever has an *imâm*, then the *imâm*’s recitation suffices for his recitation.” [*Muatta Imâm Muhammad* p. 96]. This seems to indicate that while the *imâm* is reciting in *salât*, the follower

necessary, so that the ambiguity can be resolute, the vagueness can be clarified, the seemingly “apparent” contradiction can be removed and preference can be given to one narration.

## **The Necessity of *Taqlîd***

There are two possible options when abiding by a law wherein *taqlîd* is implemented. The first is that we interpret the law according to our own intellect and knowledge. When it is a known fact that our knowledge of the Noble Qurâن and *Hadîth* is rudimentary, our intellect is weak, and at all times we are in danger of falling prey to our base desires (*nafs*). To abide by a law with our inadequate understanding is noticeably very dangerous. The second option is to rely on the knowledge and intellect of our pious predecessors, who were very close to the era of Prophethood. Their

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should remain silent. However in another narration Nabî ﷺ mentions, “There is no *salât* for he who does not recite *Sûrah al Fâtihah*.” [*Sahîh al Bukhârî* vol. 1 *hadîth* no. 723]. The question arises whether the first narration should be taken as a primary source, referring to the *imâm*, or the one who offers *salât* individually, and the second narration as collaborating evidence; or should we make the second narration as the base, and the first narration a reference to the *imâm*’s recitation after the *imâm* recites *Sûrah al Fâtihah*? [The legal status of following a *madhhab* - Muftî Taqî ‘Uthmânî, p.10]

knowledge in relation to ours is worlds apart. They were part and parcel of the era of *khayr ul Qurûn*<sup>1</sup>. By being a part of it, they became a manifestation of *taqwa* (devoutness) and piety. They spent their entire lives in acquiring (the) divine knowledge and delving into its research. When the contemporaries of these eras assert preference to one circumstance over another in a law (in which there is seemingly apparent contradiction), through their understanding of the Noble Qurâن and *Hadîth*, will be much more accurate than our judgment. This is an irrefutable fact.

We do not hold the capability nor do we meet the criteria to extract laws from the Noble Qurâن and *Hadîth*. Therefore we are forced to suffice on the research of a *mujtahid imâm* (an expert jurist), and practice upon his conclusion without demanding a proof from him. This is called *taqlîd*.

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<sup>1</sup> *Khayr ul Qurûn*: Nabî Muhammad ﷺ has reported to have mentioned, “The best of my *ummah* (Muslim nation) is my era, then those who follow, then those who follow.” [*Sahîh al Bukhârî Hadîth 3650*] This refers to the *Sâhabah* (first generation, who saw Nabî ﷺ), then the *tâbi’în* ( second generation, who saw the *Sâhabah*), then the *tab’at tâbi’în* ( third generation, those who saw the *tâbi’în*)

The necessity of accepting *taqlîd* is the same across the board, whether amongst the laymen or amongst the learned scholars of today, because neither possess the ability of *ijtihâd*. For a scholar to deduce a proof which coincides with the opinion of the school of thought is not in negation of *taqlîd*. This is because the scholars first accepted an opinion of a *mujtahid imâm*, then through his opinion, deduced a proof. Therefore, this recognition will also be rendered as incomplete.

## **Objection**

An objection can be raised that, to follow a scholar without seeking a proof is *shirk* (polytheism).

Allâh ﷺ has mentioned in the Noble Qurân:

قَالُوا بَلْ نَتَّبِعُ مَا أَنْفَقْنَا عَلَيْهِ آبَاءَنَا

*“They (the disbelievers) say, but we  
wish to follow that which we found our forefathers doing.”*  
[Sûrah al Baqarah (the Cow) 2:170]

It comes in the narration of ‘Adî bin Hâtim ﷺ that Nabi ﷺ mentioned, “The Jews gave their scholars the right to assert something permissible as impermissible. When their scholars would assert something permissible, they would accept it to be

permissible. When their scholars would assert something as impermissible, they would accept it to be impermissible.”

This is why Allâh ﷺ mentioned:

أَتَحْكُمُوا أَجْحَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّنْ دُونِ اللَّهِ

“They take their rabbis and their monks as gods besides Allâh”

[Sûrah at Taubah (Repentance) 9: 31]

## Answer

The incorrect and unacceptable *taqlîd* which is mentioned in this verse is regarding *I'tiqâdiyyât* (fundamental beliefs), which have a *qatî* proof. This is not an appropriate occasion for *taqlîd* to be made. The disbelievers discarded that which Allâh ﷺ revealed in their scriptures and made *taqlîd* of their ancestors. This is why Allâh ﷺ has mentioned:

أَوْلَوْ كَانَ آبَاؤُهُمْ لَا يَعْلَمُونَ شَيْئًا وَلَا يَهْتَدُونَ

“Even though their forefathers did not understand anything (did not possess the relevant knowledge) and were not rightly guided (had no divine knowledge)”

[Sûrah al Mâ'idah (the Set Table) 5:104]

From this it can be concluded that if our forefathers are on the straight path, then there will be no harm in making their *taqlîd*.

Nabî Yûsuf ﷺ has mentioned:

وَاتَّبَعْتُ مِلَّةَ آبَائِي إِبْرَاهِيمَ وَإِسْحَاقَ وَيَعْقُوبَ

*“I have adopted the religion of my forefathers (who were Ibrâhîm, Ishâq, and Ya’qûb” [Sûrah Yûsuf 12:38]*

Allâh ﷺ mentions in another place:

وَالَّذِينَ آمَنُوا وَاتَّبَعُوهُمْ دُرِّيَّتُهُمْ بِإِيمَانِ الْحَقْنَا بِهِمْ دُرِّيَّتُهُمْ وَمَا أَلَّتْهُمْ مِنْ عَمَلِهِمْ  
مِنْ شَيْءٍ

*“The believers who do good deeds and whose progeny (families who are believers as well) follow them in imân (faith), we shall join their progeny with them in Jannat (paradise) without reducing anything from their good deeds”*

*[Sûrah Tûr (Mount Tûr) 52: 21]*

The *muqallidîn* (those who follow a *mujtahid*) accept the sayings of the *mujtahidîn* (expert jurists) in the explanation of that which Allâh ﷺ revealed. They do not accept it as a proof on its own, independent of the Noble Qurâan and Sunnah. Instead, they intend to

practice upon the Noble Qurān and *Sunnah* (through the eyes of a *mujtahid*).

Ibn Nujaym<sup>1</sup> ﷺ and others have used these words while defining *taqlîd*:

العمل بقول من ليس قوله من احدى الحجج بلا حجة

*“To practice upon an opinion of a mujtahid without (seeking) a proof, (however, at the same time) not considering his opinion in its entirety to be a proof from amongst the proofs of Sharī’at.”*

This confirms that the opinion of a *mujtahid* is not considered to be a proof by itself (void of the Noble Qurān and *Sunnah*).

The answer to the narration of ‘Adī bin Hātim ﷺ is clear. The Jews accepted their scholars in reality to be those who declare matters as permissible and impermissible. This status and rank is not even given to Nabī Muhammad ﷺ. So then, how can this rank be given to the *mujtahidin*? The Messengers were the ones

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<sup>1</sup> Zayn ud Dîn bin Ibrâhîm bin Muhammâd bin Muhammâd bin ‘Umar bin Husayn was famously known as Ibn Nujaym. He was born in the year 970 A.H. He is the author of *Al Ashbâh wa An Nazâir* and *Al Bâhr ur Râiq*. [*Mu’jam al Muallifin* vol.4 p.192]

who informed their *ummah* (nation) what is permissible and impermissible, not the ones who in reality declared a matter as permissible and impermissible (Allâh ﷺ was the one who declared it).

The *mujtahidîn* merely extracted the laws from the Noble Qurâن and *Hadîth* and thereafter informed the masses concerning the derived rulings. No one believes the *mujtahidîn* to be a *shâri'* (arbitrator) or *ma'sûm* (sinless, free from mistake). Some great scholars have even discarded the sayings of certain *mujtahidîn*. For these great scholars, it is permissible to discard the rulings of the *mujtahidîn* on condition that, their *ijtihâd* is solely done for the sake of Allâh ﷺ and not for any corrupt reason.

## **Proofs of the Necessity of *Taqlîd* from the Noble Qurâن**

- 1) Allâh ﷺ mentions in the Noble Qurâن:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَئِكُمْ أَمْرٌ مُنْكَرٌ

*"O you who have imân (faith), Obey Allâh, Obey Rasûl ﷺ, and those in command amongst you (your leaders and*

*authorities in all fields, such as the imâms of jurisprudence in fiqh). ” [Sûrah an Nisâ (Women) 4: 59]*

It is the opinion of some *mufassirîn* (commentators of the Noble Qurân) that by “*u lil amr*” (in the above mentioned verse) leaders are meant. Others say it means the “*a’immah mujtahidîn*” (leaders amongst the expert jurists). This is in conformity with the opinion of many *Sahâbah* ﷺ (companions of Nabî Muhammad ﷺ). Imâm Râzî رَجُلُ اللّٰهِ عَلٰيْهِ<sup>1</sup> has given the latter preference.<sup>2</sup> From this, *taqlîd* can be proven. Allâh ﷺ then mentions:

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُوْهُ إِلَى اللّٰهِ وَالرَّسُولِ

“*If you dispute regarding any matter, then refer it to Allâh ﷺ (find the solution in the Noble Qurân) or Rasûl ﷺ (or find the solution in the Sunnat).*”

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<sup>1</sup> Imâm Râzî رَجُلُ اللّٰهِ عَلٰيْهِ: Fakhr ud Dîn Râzî Abû ‘Abdullâh Muhammâd bin ‘Umar bin Hüsayn was born in the holy month of *Ramadân* in 545 or 546 A.H. He was from amongst the great scholars of his time in the sciences of jurisprudence, linguistics, logic, rhetoric, and many other sciences. He is the author of the famously accepted commentary of the Noble Qurân “*Tafsîr Kabîr*”. He passed away in the year 606 A.H. [extracted from the forward of *Tafsîr Kabîr*]

<sup>2</sup> Imâm Râzî رَجُلُ اللّٰهِ عَلٰيْهِ writes, “...So taking those of “*amr*” to mean scholars is more appropriate”. [*Tafsîr Kabîr* vol. 10 p.135]

*The Obligation of Taqlîd*

[*Sûrah an Nisâ (Women) 4:59]*

This means that if the “*a’immah mujtahidîn*” have difference of opinion in a law then they should turn to Allâh ﷺ and Nabî Muhammad ﷺ. The addressees in this verse are the *mujtahidîn* and rightfully so, they conformed to this (by depleting their time and resources to extract solutions from the Noble Qurâن and *Sunnah*). The layman cannot be the addressee in this verse because of his lack of capability to turn to Allâh ﷺ and Nabî Muhammad ﷺ (to extract laws and find a solution). Nawâb Siddîq Hasan رَضِيَ اللَّهُ عَنْهُ has also made this fact evident (that the addresses are the *mujtahidîn*).<sup>1</sup>

Allâh ﷺ mentions in the Noble Qurâن:

وَإِذَا جَاءَهُمْ أَمْرٌ مِّنَ الْأَمْنِ أَوِ الْخَوْفِ أَذْعُوا بِهِ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولَئِكَ الْأَمْرِ مِنْهُمْ لَعِمَّةُ الدِّينِ يَسْتَنْطُونَهُ مِنْهُمْ

“When (news of) any matter of peace or fear comes to them (the hypocrites and the ignorant Muslims), they

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<sup>1</sup> Nawâb Siddîq Hasan Khân رَضِيَ اللَّهُ عَنْهُ was a famous “*Ahle-Hadîth*” scholar. He acknowledges that the addressee in this statement (“if you dispute”) is referring to the *mujtahidîn*. He writes in his *tafsîr*: “It is apparent that this is a separate and new addressee directed towards the *mujtahidîn*.” [*Tafsîr Fath al Bayân* vol. 2 p. 308 printed by *Al Asima*, Cairo] Extracted from “the legal status of following a *madhab*” by Muftî Taqî ‘Uthmânî, p.17.

*(immediately) broadcast it (thereby causing harm to the Muslims). If they had (first) referred the matter to Rasûl ﷺ and to those of them who have understanding (to the learned Muslims with insight), it would surely be known to those of them who investigate (verify) the matter (they would know whether the matter needs to be publicized or not).”*

*[Sûrah an Nisâ (Women) 4:83]*

This verse was revealed regarding a specific occasion. However, by applying the principle:

العبرة لعموم الالفاظ لا لخصوص الموارد

*“The consideration is for the general meaning of the text and is not limited to its specific background incident”*

Consideration will be given to the generality of the text. We can come to a conclusion that the researchers can determine an accurate outcome from a “*khabar*” (incident)<sup>1</sup>. It will be preferable for the masses

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<sup>1</sup> *Khabar* (incident): In the above mentioned context refers to a present day incident for which a law is needed for verification which apparently cannot be found in the Noble Qurân and *Sunnah*. Therefore, the scholars are required to probe into the Noble Qurân and *Sunnah* to extract a ruling.

to turn to them. Abū Bakr Jassās<sup>1</sup> رَجُلُ اللّٰهِ has used this verse as a proof for establishing *taqlîd*.<sup>2</sup>

2) Allāh ﷺ mentions in the Noble Qurān:

فَلَوْلَا نَفَرَ مِنْ كُلٍّ فِرْقَةٌ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلَيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا  
إِلَيْهِمْ لَعَلَّهُمْ يَنْذَرُونَ

*“Why does a small group from every large party not proceed to attain a deep understanding of deen (which is fard kifāyah<sup>3</sup>)? So that, they may warn their people (who had gone out in an expedition) when they return to them so that they may beware (of sin)? [Sūrah Taubah (Repentance) 9:122]*

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<sup>1</sup> Abu Bakr Jassās Rāzī رَجُلُ اللّٰهِ was born in the year 305 A.H. Khaṭīb Baghdādī رَجُلُ اللّٰهِ has said concerning him, “He was a leader amongst the students of Imām Abu Ḥanīfah رَجُلُ اللّٰهِ in his era, and he was famous for abstinence.” He is the author of *Aḥkām ul Qurān*, the accepted commentary of the Noble Qurān, dealing mainly with the laws of jurisprudence deduced from it. He passed away in the year 370 A.H. [Extracted from the forward of *Aḥkām ul Qurān*]

<sup>2</sup> He writes, “From this verse we can conclude that it is incumbent upon the layman to make *taqlîd* of the scholars in present day *masā'il* (laws).” [*Aḥkām ul Qurān* Abu Bakr Jassās Rāzī, v. 2 p. 215]

<sup>3</sup> Fard Kifāyah: collective obligation i.e. when the requisites are established in a community then it will suffice for every resident of that area. [Mu'jam Lughat al Fuqahā– Muhammad Rawās and Ḥāmid Sādiq, p.343] When it is not established in a community then the entire community will be held accountable.

From this we can deduce that the group which learns the laws of Islam will teach the other group (which went out in an expedition). They will accept and act upon the first group's advices. This in itself is *taqlîd*. Imam Bukhârî رضي الله عنه<sup>1</sup> uses this to substantiate that a "*khabar wâhid*" can be used as a proof (in Islâm).<sup>2</sup>

3) Allâh ﷺ mentions in the Noble Qurân:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

*“Ask those who have knowledge (of the previous scriptures)  
if you do not possess any knowledge (of the subject).”*

[*Sûrah Ambiyâ (The Messengers)* 21:7]

From the generality of the verse we can come to a conclusion that every layman should turn to the learned scholars and accept what they say. This is *taqlîd*!

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<sup>1</sup> Imâm Bukhârî رضي الله عنه: He was born in the month of *Shawwâl*, 194 A.H. The scholars are unanimous that the most reliable and authentic compilations of *Hadîth* are *Sahîh Bukhârî* and *Sahîh Muslim*. There is also consensus of opinion that *Sahîh Bukhârî* is more authentic in comparison to *Sahîh Muslim* [Introduction to the commentary of *Bukhârî* of Nawawî p. 39]. He passed away on the night of ‘îd al-fitr, 256 A.H.]

<sup>2</sup> If one person remains behind from the group mentioned in the verse, then, when the people come back from their expedition, they will follow and accept what this individual says. This is how Imâm Bukhârî رضي الله عنه proves that a *khabar wâhid* can be used as a proof in Islâm.

The *ghayr muqalidîn* (rejecters of *taqlîd*) also accept the fact that *taqlîd mutlaq* (general *taqlîd*) is *fard* (compulsory). Our disagreement with them is regarding the ruling of *taqlîd shâkhsî* (*taqlîd* of an individual). For reference turn to *Mi'yâr al Haq* p.41, *Ishâ'at al Sunnah* p. 126, *Târîkh ahl al Hadîth* p. 125.

## **Proofs of the Necessity of *Taqlîd* from the *Ahâdîth***

- 1) It has been narrated regarding the virtue of Hadrat Abû Bakr ﷺ and Hadrat ‘Umar ﷺ that Nabî Muhammad ﷺ mentioned:

فاقتدوا بالذين من بعدي ابى بكر و عمر

*“Follow these two after me: Abu Bakr and ‘Umar”*

*(Tirmidhî v.2 p.206)*

In this narration there is an order from the side of *Shariâ’h* (Islam) to follow Hadrat Abû Bakr ﷺ and Hadrat ‘Umar ﷺ. Is this not *taqlîd*?

- 2) It has been narrated in *Bukhârî* that Nabî Muhammad ﷺ mentioned:

اتّمُوا بِي وَلِيَأْتِمُوكُمْ مِنْ بَعْدِكُمْ

*“Follow me (by observing what I do) and those after you will follow you (by observing what you do).”* (Bukhârî v.1 p.99)

Two meanings can be deduced from this narration. One is that this narration is specific with *salâh* (prayer). Those who are praying *salâh* behind in congregation should follow those in front of them. The second interpretation of the narration is that those who come later should follow those who were before them. For example, the *Tâbi’în* (those who saw the *Sahâbah* ﷺ) should follow the *Sahâbah* ﷺ (those who saw Nabî Muhammad ﷺ) and *Tabi’ Tâbi’în* (those who saw the *Tâbi’în*) should follow the *Tâbi’în* and so on and so forth, thus proving *taqlîd*!

3) It comes in a narration that Nabî Muhammad ﷺ mentioned:

عليكم بستى و سنتة الخلفاء الراشدين المهدىين تمسكوا بها و عضوا عليها بانواخذ

*“Hold steadfast to my practice and to the practice of the rightly guided caliphs. Hold fast to it and cling on to it with your molars.”*

[*Abu Dâ’ud* v.2 p.635, *Tirmidhî* v.2 p.96, *Ibn Mâjah* p.5]

The *taqlîd* of each of the *Khulafâ râshidîn*<sup>1</sup> (rightly guided caliphs) is proven from this narration. To hold fast to their *sunnat* (practice) is to hold fast to the *sunnat* (practice) of Nabî Muhammad. This is why the “*damîr*” in ﴿ is singular and not dual.<sup>2</sup> From this *taqlîd mutlaq* (general *taqlîd*) is proven.

One type of *taqlîd mutlaq* (general *taqlîd*) is *taqlîd shakhsî* (*taqlîd* of an individual). This is also proven by this narration.

## **Proofs of *Taqlîd* of an Individual**

There are two types of *taqlîd*. (1) *taqlîd shakhsî* (*taqlîd* of an individual) (2) *taqlîd ghayr shakhsî* (when one does not restrict himself to *taqlîd* of an individual). When *taqlîd mutlaq* itself is proven, these two types are automatically established. By choosing anyone of these two, one will be fulfilling a *fard* (compulsory) law. It will be incorrect for someone to say that *taqlîd ghayr*

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<sup>1</sup> Khulafâ Râshidîn: the rightly guided caliphs are as follows – Abû Bakr رض, ‘Umar رض, ‘Uthmân رض, and ‘Alî رض.

<sup>2</sup> The particle ﴿ in ﴿ refers to the singular tense and not the dual tense. This proves that the *sunnat* (practice) of the rightly guided leaders and Nabî Muhammad is one and the same thing. If they were different then the dual tense should have been brought.

*shakhsî* is *fard* (compulsory) and *taqlîd shakhsî* is either impermissible or “just” on the level of mere permissibility.

The followed four *imāms*<sup>1</sup> are of the opinion that the layman should adhere to one *mujtahid imām* (expert jurist). We shouldn't “pick and choose”, in the sense that in one law we take one *imām*'s opinion and in another law, we take another *imām*'s opinion. In this there is a great fear of falling prey to our carnal desires. For the reason of administrative purposes<sup>2</sup> *taqlîd shakhsî* was declared *wājib* (necessary).

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<sup>1</sup> The followed four *imāms* are as follows: 1) Imām Abū Ḥanīfah ﷺ, 2) Imām Shāfi’ī ﷺ, 3) Imām Mālik ﷺ, 4) Imām Aḥmad bin Ḥambal ﷺ.

<sup>2</sup> In order to establish the reasons and benefits of the systemization of *fiqh* (jurisprudence), the following premise has to be comprehended: There are two groups. The first group is; following one's desires and passions while understanding the **differentiation** between *halāl* (permissible) and *harām* (impermissible), yet faltering in adhering to the dictates of *halāl* and *harām*. Following one's desires and passions in itself is a grave sin and a grave form of misguidance, however there still remains the prospect that such people may repent (due to their ability to differentiate between *halāl* and *harām*, right and wrong). Now, the second group is; following one's desires and passions to the extent that they believe what is *halāl* (permissible) to be *harām* (impermissible), and what is *harām* (impermissible) to be *halāl* (permissible), this is much more disastrous in comparison to the first group. Disobedience of this nature is fatal and makes religion and law a mere sham. The people are submerged in a sin which is far more serious than that from the first group (due to the doors of

To understand this, an example is: the Noble Qurān was revealed in seven different dialects, and every dialect is sufficient (in regards to the demands or usage of the Noble Qurān). However, Hadrat ‘Uthmān ﷺ compiled some *Mushâfs* (Qurāns in book form) and authorized for the un-compiled verses written in different dialects which were in circulation to be burnt (which was unanimously agreed upon by the *Sahâbah* رضي الله عنهم and made *taqlîd* of). The reason ‘Uthmān ﷺ did this, was to save the ummah (the Muslim masses at large) from disunity.<sup>1</sup>

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repentance being closed). The doors to such evil obviously must to be avoided at all costs as does the path which facilitates it (not adhering to one particular *imām*). The jurists were concerned at the decay of piety and devoutness amongst the Muslim populous. They (correctly deduced and) feared that the subsequent generations' ethics would not be as elevated as the (prophesized) first three generations. If under these circumstances the door of following an *imām* in general was unconditional, inadvertently desires would become the commanding principle. [Legal status of following a *madhab*-Muftī Taqi ‘Uthmānī, p. 50]

<sup>1</sup> ‘Uthmān ﷺ perceived that failure to standardize the Noble Qurān would bring about a state of chaos and commotion in successive generations. ‘Uthmān ﷺ (along with the consensus of the *Sahâbah* رضي الله عنهم) annulled writing the Noble Qurān in different scripts (dialects), keeping the benefit of the Muslim community in mind. The order of the *sûrâhs* (chapters) was also standardized. He issued this decree throughout the Muslim world and had all the other copies of the Noble Qurān discarded. ‘Uthmān ﷺ united the Muslim

By the afore-mentioned proofs, no doubt is left in the permissibility of *taqlîd shakhsî*. The following are even more proofs to establish *taqlîd shakhsî*.

Imām Bukhārī رضي الله عنه narrates that the people of Madīnah asked Ibn ‘Abbās رضي الله عنهما about a woman who – during *hajj* - makes her first *tawâf* (circumambulation of the *Ka’bah*) and then enters her menstrual cycle before she can make her final *tawâf*. Ibn ‘Abbās رضي الله عنهما told them that she could go home without completing her final *tawâf*. The people of *Madīnah* replied, “We will not abide by your opinion over the opinion of Zayd bin Thābit رضي الله عنه” (meaning we will practice upon the opinion of the jurist of our city).<sup>1</sup> Ibn ‘Abbās رضي الله عنهما replied, “Go and refer back to your local scholars regarding the ruling

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community on a standard script. This incident is an example of following one particular scholar and imam. The action of ‘Uthmān رضي الله عنه proves that if the Muslim community decides to adopt a certain way – out of several- to achieve an ideal (like reciting or writing the Noble Qurān in a standard script), they may eliminate the other possible practice (like reciting in different dialects) if there is a greater benefit for the Muslim community and consequently avoidance of harm. This same principle applies in the case of restricting *taqlîd*, to following one particular scholar rather than following many. [Legal status of following a *madhab*- Muftī Taqī ‘Uthmānī, p.60-62]

<sup>1</sup> If this is not making *taqlîd* of an individual, then it begs the question, what is?

of this law.” They then asked Umm-e-Salamah *radiyallâhu anha*, she replied in accordance with Ibn ‘Abbâs ﷺ. [Bukhârî v.1 p.237]

This has also been established by a narration from ‘Âishah *radiyallâhu anha*. Hadrat Ibn ‘Umar ؓ was not aware of this ruling as well, he was informed later on. Hadrat Zayd ؓ said that she can go, and then retracted from this ruling. (We learn from this ruling that the people of Madînah held firm to the ruling of the jurist of their city, Hadrat Zayd ؓ)

Imâm Bukhârî رضي الله عنه mentions a quote of Hadrat Abû Mûsâ Asha’rî ؓ:

لَا تَسْأَلُونِي مَا دَامَ هَذَا الْحَبْرُ فِيْكُمْ

“*Do not ask me as long as this great scholar (Ibn Mas’ûd ؓ) is amongst you*”.<sup>1</sup> [Bukhârî v.2 p.997]

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<sup>1</sup> The fact that Abû Mûsa ؓ acknowledges the superior knowledge of ‘Abdullâh bin Mas’ûd ؓ and actually instructed others to ask him all their questions concerning Islâmic law, this is in fact a mandate for following an individual. This proves that the *Sâhabah* ؓ were not unfamiliar with *taqlid* of an individual.

This means that only ask Ibn Mas'ûd ﷺ regarding Islâmic law. Is this not *taqlîd shakhsî*?

Like this, there are many proofs of *taqlîd shakhsî*. The conclusion is that there is no doubt left in the permissibility of *taqlîd shakhsî*. It has become like the famous Arabic saying,

اظهر من الشمس

“(The permissibility) is more apparent than the sun.”

In the time of the Sahâbah ﷺ, both *shakhsî* and *ghayr shakhsî* were prevalent. The latter scholars of the 4<sup>th</sup> century *hijrî* declared it *wâjib* (incumbent). This decision was made due to greater administrative purposes. They took into consideration that if *taqlîd shakhsî* is not made incumbent, then our *nafs* (carnal desires) will always be looking for “the easy way out.” There are opinions of scholars which defer from the majority, if *taqlîd shakhsî* is not declared *wâjib* then the people will incorrectly accept and practice upon their (the scholars) minority opinions and excite their *nafs* (carnal desires) by following those opinions.

Some scholars have said:

من اخذ بنوادر العلماء خرج من الاسلام

*“The one who holds fast to an opinion which differs from the majority has left the fold of Islām.”*

[*Muqadma*h Tirmidhī-Mufti Taqī ‘Uthmānī]

Shaykh ul Islām Sulaymān Taymī<sup>1</sup> رحمه الله عليه has said:

لو اخذت برخصة كل عالم او زلة كل عالم اجتمع فيك الشر كله

*“If you take the concessions or mistakes of every scholar, then evil in its entirety will find place in you.”*

[*Tadhkirah* v.1 p.142, *Maqālāt Abū al-Maāthir* p.406, *Jāmiu’ Bayānal-Ilmi wa Fadlīhī* v.2 p.92]

Shāh Waliullāh<sup>2</sup> رحمه الله عليه says regarding this subject:

<sup>1</sup> Sulaymān bin Tarkhan Taymī رحمه الله عليه was a *tabi’ī* (one who saw the *Sahābah*). He was from Baṣrah. Ibn Sa’d رضي الله عنه mentions regarding him, “he was from amongst the *mujtahidīn*.” Yahyā رحمه الله عليه mentions, “I have not been in the company of anyone who contains more fear of Allah ﷺ than him.” He passed away in *Dhul Qa’dah* of 143 A.H. [*Atabzib* - *Hāfiẓ Shihāb ud Dīn*, vol.3 p.486]

<sup>2</sup> Shāh Waliullāh رحمه الله عليه was born in the year 1703. He was the greatest advocate and pioneer of the Islāmic revival movement in India. He spent his whole life in the service of Islām. His services rendered to Islām are fully recognized. All his efforts were directed to bringing the Muslims closer and effecting unity amongst them. He passed away in the year 1762. [Great personalities of Islām-Badr Azim Ābādī p.123]

و كان هذا هو الواجب في ذلك الزمان

“*This is wājib (incumbent) in this time and era.*

[*al-Insāf* p.59]

He then says: *Wājib* is of two types.

1) واجب لعيته (*wājib li'aynihī*)

2) واجب لغيره (*wājib lighayrihī*)

*Wājib li'aynihī* is that law which was made incumbent during the time of Nabī Muḥammad ﷺ. There can be no addition to such laws. *Wājib lighayrihī* is a law that in itself is not incumbent, however because of an outside factor; this is the only way to suitably fulfill this law. This can be understood through an example. To acquire the knowledge of Islam is *wājib* (incumbent). If it was not possible to fulfill this *wājib* except by establishing Islāmic schools, then this establishment would be *wājib* as well.

Hadrat Shaykh ul Hadīth Maulānā Muḥammad Zakariyyā<sup>1</sup> رحمۃ اللہ علیہ mentions: *Taqlîd shakhsī* is not an order

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<sup>1</sup> Shaykh ul Hadīth Maulānā Muḥammad Zakariyyā was born in the year 1315 A.H. He was the author of 83 books including a commentary of *Shamā'il Tirmidhī*. He possessed an unparalleled devotion to Allāh ﷺ and would remain

stipulated by *Shari'ah* (Islām), instead it was decreed keeping the benefit of *Shari'ah* (Islām) in mind. In history, a resemblance of this is the decision of Hadrat 'Uthmān رض to burn all the copies of the different dialects of the Noble Qurān except one. This was done to save the *Ummah* (Islāmic nation) from disunity. In the same manner to save the *Ummah* (Islāmic nation) from following their carnal desires, the decision was made of making *taqlîd shakhsî wâjib* (incumbent).

Similar to this Hadrat Rashīd Aḥmad Gangohī<sup>1</sup> رض writes: Listen attentively, the benefit of the masses in abiding by *taqlîd shakhsî*, and this being a means for the removal of *fitnah* (discord) amongst the masses is apparent... then at this time because of such people, *ghayr shakhsî* will be declared impermissible and *taqlîd shakhsî* as *wâjib* (incumbent). This is called *wâjib lighayrihî*. It was permissible, but because of an outside factor *ghayr shakhsî* became impermissible and *taqlîd*

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awake a major portion of the night. He passed away in the year 1402 A.H.  
[Muslim scholars of the 20<sup>th</sup> century- Shaykh Shoayb Aḥmad, p.325]

<sup>1</sup> Hadrat Maulānā Rashīd Aḥmad Gangohi رض was born in the year 1244 A.H. He was a scholar, an authority on matters of *shari'ah* and *tariqah*, and a staunch follower of *sunnah*. He passed away in the year 1323 A.H. [ibid p. 16]

*shakhsî* incumbent and necessary. (Refer to *Taqlîd wa Ijtihâd* the author of which is Maulânâ Masîhullâh Khân رحمه اللہ علیہ)

Hadrat Thânwî<sup>1</sup> رحمه اللہ علیہ mentions: five matters are unanimously understood to be necessary. If *taqlîd shakhsî* is abandoned then a discrepancy will be created in these five matters. That which aides in fulfilling a *wâjib* (incumbent) law is also *wâjib* (incumbent). (1) To maintain a sincere intention in our actions and in acquiring knowledge. (2) To keep Islâm predominant over our carnal desires (i.e. to keep our carnal desires subordinate to Islâm and not vice versa.) (3) To keep ourselves safe from such actions in which we have a strong fear that it will harm our *dîn* (religion). (4) Not to differ from the *ijmâ'* (consensus) of those people who are on the straight path. (5) Not to leave the fold of Islâm. To a considerable extent *taqlîd shakhsî* will put a stop to this. [*al-Iqtsâd* p.39]

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<sup>1</sup> Hadrat Maulânâ Ashraf ‘Alî Thânwî was born in the year 1280 A.H. This great scholar was responsible for a great scholarly and religious awakening in India. He was a person who dedicated his life towards serving Islâm. He is probably the scholar in this century with the most written books. He wrote about 1000 books. These include both small booklets and voluminous books. He passed away in the year 1362 A.H. [ibid p.128]

Shâh Waliullah Mu رحمۃ اللہ علیہ writes:

و في ذلك التقليد من المصالح ما لا يخفى لا سيما في هذه الأيام التي قصرت

اليهم جدا و شربت النفوس الهوى و اعجب كل ذي رعى برؤيه

*“The benefits which are in taqlîd are manifest. Even more so, in this era, when the people’s will power has become so weak and people have become slaves to their desires. Every person is self conceited with his own opinion.”*

[*Hujjat Allâh wa al-Bâlighah* v.1 p.123]

He also writes:

اعلم ان في الاخذ بهذه المذاهب الاربعة مصلحة عظيمة وفي الاعراض عنها

مفيدة كبيرة

*“Note well, there are great benefits in following the four schools of thought and in abandoning them there is a great evil.”* [*Aqd al-Jid* p.36]

## The Testimony of Maulânâ Husayn

Batalwi رحمۃ اللہ علیہ

A famous “*Ahle Hadîth* ” scholar – Maulânâ Husayn Batâlwi رحمۃ اللہ علیہ - writes his personal experience: “After twenty-five years of experience, I have come to a conclusion. Those whom, with rudimentary knowledge,

make themselves a *mujtahid mutlaq*<sup>1</sup> and leave *mutlaq taqlîd*, at the end they leave the fold of Islâm. Many instances are found which takes a person out of the fold of Islâm in this world (i.e. *Kufr*, doubt in religion, sin, etc.). A very disastrous means amongst them is when a person without sufficient knowledge leaves *taqlîd*. The group of “*Ahl e Hadîth*”, who without any or with rudimentary knowledge, call unto leaving *taqlîd* should fear this outcome. The masses of this group are becoming free-minded and independent.” [Risâlah *Ishâ’ah Sunnah*, no.2 v.11 printed in 1888, extracted from *Ghayr Muqallidîn*-Maulâna Fârûq Mîrtî and *Gahyr Muqallidîn*-Maulâna Qârî Hafizur Rahmân]

The great Muhaddith>, Maulânâ Habîb ur Rahmân ‘Âzmî<sup>2</sup> حَفَظَ اللَّهُ عَلَيْهِ ذِكْرَهُ mentions these words of Maulânâ Husayn Batâlwi حَفَظَ اللَّهُ عَلَيْهِ ذِكْرَهُ. “After twenty-five years of experience I have come to this conclusion. Those who

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<sup>1</sup> *Mujtahid Mutlaq*: Those *mujtahidin* who extract their own principles and laws of jurisprudence. This is the highest status of a *mujtahid*. The followed four *Imâms* have been given this title.

<sup>2</sup> Hadrat Maulânâ Habib ur Rahmân ‘Âzmî حَفَظَ اللَّهُ عَلَيْهِ ذِكْرَهُ was born in the year 1314 A.H. Shaykh ‘Âzmî’s حَفَظَ اللَّهُ عَلَيْهِ ذِكْرَهُ most distinguishing trait was his adoption of *sunnah*. He was an epitome of *sunnah* in his era. He was the guiding light for the scholars and the intellectuals of his era. He passed away in the year 1413 A.H. [Muslim scholars of the 20<sup>th</sup> century - Shaykh Shoayb Ahmad, p.362]

without sufficient knowledge make themselves a *mujtahid mutlaq* and leave *mutlaq taqlîd*, at the end leave Islâm all together. Some from amongst them convert to Christianity while others have no specific religion. The “best” outcome of this freedom is that they fall into sin.” [*Maqâlât Abu al Ma âthir* p.111, extracted from *Ishâ'ah Sunnah* v.11 p.35, refer to *Ghayr Muqallidîn* p.36, *Sabîl al Rashâd* p.12]

## **A question was posed to Maulânâ Rashîd Ahmad Gangohî** رحمه اللہ علیہ

A question was posed to the head of all the scholars in India- Maulânâ Rashîd Ahmad Gangohî رحمه اللہ علیہ:

### **Question:**

What opinion do the scholars and the jurists of Islâm hold regarding *taqlîd shakhsî*? Is it *wâjib* (incumbent) or is it as the *ghayr muqallidîn* (rejecters of *taqlîd*) say, that it is polytheism and an innovation?

**Answer:**

*Taqlîd mutlaq* is *fard* (compulsory). Allâh ﷺ mentions in the Noble Qurâن:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

*“Ask those who have knowledge (of the previous scriptures) if you do not possess any knowledge (of the subject).”*

*(Ambiyâ 7)*

In this verse Allâh ﷺ has decreed *taqlîd mutlaq* as *fard* (compulsory). There are two types of *taqlîd*. One of them is *taqlîd shakhsî*, in which you seek assistance in abiding by a law from a particular scholar. The other type is *taqlîd ghayr shakhsî*, in which you are not particular with referring to one scholar. Through the generality of the verses text, both types of *taqlîd* are included. Both types of *taqlîd* are substantiated from the side of *Shari’ah* (Islâm). Whichever type of *taqlîd* one abides by, he will be fulfilling an order of Allâh ﷺ. Whoever declares *taqlîd shakhsî* (which is ordered by Allâh ﷺ) as an innovation or polytheism is ignorant and astray. This is because, he is saying, that an order of Allâh ﷺ is polytheism in the opposition of Allâh ﷺ. He doesn’t realize that Allâh ﷺ has given a “restricted” person a choice, whatever type he wishes, he can

practice upon. When there is generality of something then the subcategories of it are not outside the bounds of its originality, instead, it is a part of it. By way of an example, in the generality of the existence of humans, its subcategories cannot be separated from it.<sup>1</sup> In the same manner the two types of *taqlîd* (*shakhsî* and *ghayr shakhsî*) can never be separated from *taqlîd*. Wherever you find anyone of these two types it will be considered being under *taqlîd*. Therefore in both types, a “restricted” person has a choice. Whichever he wishes he can practice upon, and by this he will be fulfilling an order of Allâh ﷺ. To call an order of Allâh ﷺ an innovation or polytheism is a sin in itself. Rather, both types are equal in their permissibility. However, in this time and era the general masses, even the learned ones, are in fear of falling prey to their carnal desires and are in self conceit with regards to their own opinions. *Taqlîd ghayr shakhsî* is a wonderful means for them to follow their base desires and to excite their self conceit.

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<sup>1</sup> The subcategories of a human, example are males and females. No one can argue that any one of these subcategories is separate from the human race. Both in their own way are part of the human race. In the same manner, no one can claim that anyone of the subcategories of *taqlîd* (which are *shakhsî* and *ghayr shakhsî*) is separate from *taqlîd* itself.

As a result, this makes them careless in regards to the matters of *dīn* (Islām). It becomes a means for them to let their tongue loose on the status of the *mujtahidīn* (expert jurists). It becomes an avenue for evil and discord to spread amongst the Muslim *Ummah* (Islāmic nation). In our time, this is all manifest. Due to these reasons *taqlîd ghayr shakhsî* will not be correct. Through the above mentioned verse *taqlîd shakhsî* has become stipulated by *Shari'ah* (Islām).

Unity plays a great part in Islām. Hence protecting unity will be a monumental *fard* (compulsory) law as well. Allāh ﷺ mentions in the Noble Qurān:

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرُّقُوا...الآية

*“Hold fast to the rope of Allāh ﷺ (Islām and particularly the Qurān as understood by the sayings of Rasūlullāh ﷺ and the pious predecessors), all of you together, and do not separate (because Allāh’s ﷺ mercy lies in valid unity).”*

*[Sūrah Al 'Imrān (the Family of Imrān) 3:103]*

وَاللَّهُ لَا يُحِبُّ الْفَسَاد...الآية

*“And Allāh ﷺ dislikes corruption”*  
*[Sūrah Al Baqarah (the Cow) 2:205]*

There are many other narrations regarding this topic.

Due to the necessity of the protection of maintaining unity and in removing these great evils, one has to leave *taqlîd ghayr shakhsî* and adopt a side which is stronger and more helpful in the protection of this great *fard* (compulsory) law, which is the actual order of Nabî Muhammad ﷺ and the *Sahâbah* رضي الله عنهم. For example, the Noble Qurân was revealed in seven different dialects, and one has the option to choose anyone of the seven dialects. Despite this, *Hadrat* ‘Uthmân رضي الله عنه abandoned this with the *ijmâ’* (consensus) of the *Sahâbah* رضي الله عنهم and adopted a specific dialect for universal usage. The only reason for doing this was to repel evils and to save the Muslim ummah from disunity. *Sahîh Bukhârî* testifies to this. Another example is that of Zhul Khuwaysarah<sup>1</sup>, upon whom, death was incumbent due

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<sup>1</sup> A narration appears in *Sahîh Bukhârî*, that while Nabî Muhammad ﷺ was distributing booty, Zhul Khuwaysarah told Nabî ﷺ, “Be fair in your distribution”. Nabî Muhammad ﷺ replied, “Woe unto you, who will be fair if I am not fair?” ‘Umar رضي الله عنه sought permission from Nabî Muhammad ﷺ to kill him (because of his insolence towards Nabî ﷺ). No narration could be found which has the same words as presented by Maulânâ Rashîd Ahmâd Gangohî رحمۃ اللہ علیہ (this in no way implies that there is no narration of such sort, no such narration could be found by the translator). Under the commentary of the narration, Imâm Ibn Hajar ‘Asqalânî رحمۃ اللہ علیہ brings other narrations, some of

to his words of disbelief and insolence towards Nabî Muhammâd ﷺ. Yet, Nabî ﷺ still said:

دَعْهُ فَإِنَّ النَّاسَ يَقُولُونَ أَنَّ مُحَمَّداً يَقْتُلُ اصْحَابَهِ

*“Leave him, as people will begin to say that Muhammâd kills his companions.”*

This was only for the reason of removing evil and nothing else.

The conclusion is that, in such a time where evil is predominant in the society, *taqlîd shakhsî* will be declared *wâjib* (incumbent) and *taqlîd ghayr shakhsî* will be prohibited due to these evils which will surface from it. Never the less, if it is such that these evils are not

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which are close to Maulâna’s ﷺ presented words, however there is no name stipulated in the narration that it is regarding Zhul Khuwayşarah. Nevertheless, Imâm Ibn Hajar ‘Asqalânî ﷺ mentions that death was incumbent upon Zhul Khuwayşarah, and mentions, “It is possible that he was not killed for reasons of unity, this is how Imâm Bukhârî ﷺ has also understood it...If Nabî ﷺ had given permission for him to be killed then it could have been a barrier for others to accept Islam.” (*Fath al Bârî*- Imâm Ibn Hajar ‘Asqalânî, v.12 p.369) Similar words have also been used by Nabî Muhammâd ﷺ for ‘Abdullâh bin Ubây (the leader of the hypocrites). When he tried to cause disunity amongst the *Sâhabah* ﷺ. (details of the incident can be found in *Sahîh al Bukhârî* no. 4905) Muftî Shafî’ ﷺ writes: “Another point illustrated by this incident is that an act which is permissible in itself should be avoided if it may create a misunderstanding in the mind of a Muslim (or for administrative purposes)” [*Ma’ârif al Qurâñ*- Muftî Shafî’, vol.8 p.472]

found in *taqlīd ghayr shakhsī* then one would have a choice to adopt that as well, just like he has a choice to adopt *taqlīd shakhsī*. It has now become manifest that *taqlīd shakhsī* must be declared wājib (incumbent) and to call it an innovation or polytheism is clear ignorance. And Allāh ﷺ knows best. *Kutube Ahqar Rashīd Ahmad Gangohī*, 6 *Zhul Hijjah* 1311 A.H. [Fatawā Rashidiyyah, v.1 p.206]

## Will practicing upon the opinions of other *Hanafī Imāms* still classify as *Taqlīd*?

### Question:

If someone argues that in the Hanafī school of thought, at times we practice upon the opinion of *Sāhibayn*<sup>1</sup> أصحابيْن, at times of *Imām Zufar*<sup>2</sup> إمام زفار, and at

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<sup>1</sup> *Sāhibayn*- Are two of *Imām Abū Hanifah*'s 相伴 great students, *Imām Abū Yūsuf* 相伴 and *Imām Muḥammad* 相伴. Both hold a very high rank in the creed of *Imām Abū Hanifah* 相伴.

<sup>2</sup> *Imām Zufar* was born in the year 110 A.H. He was particularly skilled in analogical reasoning. *Imām Abū Hanifah* 相伴 used to call him the greatest amongst his companions in this respect. He also held the post of being an Islamic judge. He passed away in the year 158 A.H. [*Imām Abū Hanifah*, life and works - Maulānā Shibli Nu'mānī p. 210]

times of the latter scholars. Therefore this will not remain complete *taqlîd shakhsî* which was *wâjib lighayrihi*?

**Answer:**

The opinions of the scholars of the Hanafî school of thought are in reality the opinions of Imâm Abû Hanîfah<sup>1</sup> رضي الله عنه. Thus, to practice upon their opinions would not be outside the bounds of *taqlîd shakhsî*.

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<sup>1</sup> Nu'mân bin Thâbit- Abû Hanîfah was his patronymic appellation, while his surname was Imâm al A'dham (the greatest Imâm) by common consent. He was born in the year 80 A.H. He formed a creed of jurisprudence famously known as the Hanafî school of thought. He was *tâbi'i* (one who saw the *Sâhabah* رضي الله عنهم). 'Allâmah Hajar Makkî رحمه الله says he saw eight to ten *Sâhabah* رضي الله عنهم. Imâm Abû Hanîfah was very sober, polite, patient, and forbearing by nature. As per some narratives he devoted seven years in acquiring the knowledge of *kalâm* and 18 years in acquiring *fiqh* (jurisprudence). [Great personalities of Islam- Badr Azimabâdi p. 3] Here are a few facts that the historians have mentioned regarding Imâm Abû Hanîfah رضي الله عنه. For forty years he performed his morning prayers (*fajr*) with the *wuđû'* (ablution) that he had performed his *Ishâ* prayer with. He completed 7000 recitations of the Noble Qurân in the place where he passed away. He passed away in the year 150 A.H. [Imâm Abû Hanîfah, life and works - Maulânâ Shibli Nu'mânî p. 43]

‘Allāmah Shāmī<sup>1</sup> رحمه الله عليه mentions in *al Hāwî al Quds*:

و اذا اخذ بقول واحد منهم يعلم انه قطعا انه يكون آخذ باقول ابى حنيفة رحمه الله تعالى فانه روی عن جميع اصحابه الكبار كابي يوسف و محمد و زفر والحسن رحهم الله تعالى انهم قالوا ما قلنا في مسئلة قول الا وهو رواية عن ابى حنيفة رحمه الله تعالى و اقسموا عليه ايمانا غلاظا فلم يتحقق اذا في الفقه جواب ولا مذهب الا له كيف ما كان وما نسب الى غيره الا بطريق المجاز للموافقة

*When a person practices upon an opinion of one of their (the scholars of the Hanafi school of thought) opinions then in reality he is practicing upon an opinion of Imām Abū Hanīfah رحمه الله عليه. It has been narrated by some of the major Hanafi scholars, the likes of which are Imām Abū Yūsuf<sup>2</sup>*

<sup>1</sup> ‘Allāmah Shāmī was born in 1198 A.H. He wrote an unmatched book in jurisprudence called *Radd al Muhtār*. He is famous for this work. He passed away in 1252 A.H.

<sup>2</sup> Qadī Abū Yūsuf was born in Kūfah in 113 or 117 A.H. He was one of Imām Abū Hanīfah’s شايخ main and beloved disciples. He was appointed judge in 166 A.H. Caliph Harūn al Rashīd appointed him “judge of all the judges” for the entire Islamic realm, a post which he was the first to hold in Islamic history and which after him was held by only one more man. He passed away in the year 182 A.H. [Imām Abū Hanīfah, life and works - Maulānā Shibli Nu’mānī p. 210]

، *Imām Muḥammad*<sup>1</sup> ، *Imām Zufar* ، *Imām Hasan*<sup>2</sup> ، and *Imām Abū Hanīfah* .” They took a glaring oath upon this. Therefore no answer nor any madhab (school of thought) will be established (from the opinions of these scholars) except that it is *Imām Abū Hanīfah*’s ، however it may be. It will not be attributed to anyone else besides *Imām Abū Hanīfah* . metaphorically, for the purpose of unity.

Regarding this *Imām Sha’rānī*<sup>3</sup> mentions in *Mizān al Kubrā* the statement of *Ibn ul Humām*<sup>4</sup> . At the end of which he clearly states: the one who holds

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<sup>1</sup> *Muhammad bin al-Hasan al-Shaybānī* was born in 135 A.H. He was one the twin pillars of the *Hanafī* school of thought, the other being *Imām Abū Yūsuf* . [ *Imām Abū Hanīfah* life and works, *Maulānā Shibli Nu’mān* p. 214]

<sup>2</sup> *Hasan bin Ziyād* was one of the major scholars of the *Hanafī* school of thought. *Yahyā bin Ādām* is reported to have said, “I have not seen a person with more understanding of Islām than *Hasan bin Ziyād*. [*Al Fawāid al Bahiyah* p.60]

<sup>3</sup> ‘*Abdur Raḥīm Sha’rānī* was born in 1047 A.H. He was from the *Shāfi’ī* school of thought. He lived in Constantinople. He was one of the teachers of Madrasah *Ahmadiyah*. [*Mu’jam al Muallifīn* vol.5 p.209]

<sup>4</sup> *Muhammad bin ‘Abdul Wāhid bin ‘Abdul Ḥamīd Kamāl ud Dīn*. He is famously known as *Ibnul Humām*, the author of the accepted work in the field of jurisprudence *Fath al Qadīr*.

fast to an opinion of the companions of Imām Abū Ḥanīfah رضي الله عنه has in reality held fast to the opinion of Imām Abū Ḥanīfah رضي الله عنه himself.

When the latter scholars gave rulings to such problems arising in their respective eras, for which laws needed to be stipulated, they gave their rulings keeping the principles that Imām Abū Ḥanīfah رضي الله عنه laid out in mind. Therefore this stipulation of a law due to contemporary need will be included in the creed of Imām Abū Ḥanīfah رضي الله عنه as well. It will be *taqlîd shakhsî*. There will be no fear of following our base desires by practicing upon their opinions. [Shāmī v.1 p.46]

## A Rational Example of *Taqlîd*

*Taqlîd shakhsî* can be understood through the following example:

It is necessary to turn to a doctor for a cure of a sickness and to a lawyer when wishing to practice upon the law of the “land”.

There are two scenarios for this:

- (1) At different times one chooses different doctors and different lawyers.

- (2) At all times one chooses the same doctor and the same lawyer.

Whichever of the two scenarios one abides by, will result in his object and aim being achieved. Exactly like this, for one's spiritual remedy and to practice upon the divine law correctly, it will be necessary to make *taqlîd* of a *mujtahid*, as prescribed by the text of the Noble Qurâñ<sup>1</sup>. This includes *taqlîd shakhsî* and *taqlîd ghayr shakhsî*. One who practices upon any one of these two will be practicing upon a *fard* (compulsory) law. However, due to some external factors, it becomes difficult to turn to one doctor or lawyer. Now, only the second scenario, for practical purposes, will be exercised. Like this, because of the aforementioned harms of *taqlîd ghayr shakhsî*, it will be difficult to practice upon it. Hence *taqlîd shakhsî* will be stipulated. (Refer to: *Ahsan al-Fatâwâ*- Muftî Rashid Aḥmad Ludhiyânwî رحمه اللہ v.1 p.149, *Taqlîd wa Ghayr Muqallidîn*-Maulânâ Qârî Hafîz ur Rahmân A’zmî, p.9)

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<sup>1</sup> By text of the Noble Qurâñ all those verses mentioned under the chapter, “proofs of the necessity of *taqlîd* from the Noble Qurâñ” are meant.

# An Objection and its Clarification

## The Objection:

Some *ghayr muqallidîn* (rejecters of *taqlîd*) say that by holding onto the opinions of the *Imâms* of a school of thought, one leaves practicing upon the narrations of Nabî Muhammad ﷺ, which is completely impermissible.

## The Clarification:

Apparently it may seem that we are following the jurists, but in reality we are following Nabî Muhammad ﷺ. We understand the meaning of the intent of Nabî Muhammad ﷺ through the eyes of the jurists. This is just like how a person understands the law of the “land” through a lawyer, then acts in accordance to his advice. Will anyone say that this person is following the lawyer and not the law of the “land”? No, he is obeying the law of the “land”. Just like this, understand *taqlîd shakhsî*. One doubt remains that those who make *taqlîd*, hold on to the opinions of their respective school of thought,

and by this they leave the narrations of Nabî Muhammad ﷺ.

The clarification of this is that if one narration is not practiced upon, then definitely another narration or verse of the Noble Qurân is practiced upon. The *ghayr muqallidîn* (rejecters of *taqlîd*) do not practice upon all the narrations of Nabî Muhammad ﷺ as well. They also at times declare a narration as *mansûkh*<sup>1</sup> (abrogated) or *da’îf* (weak) and do not practice upon that particular narration. So, why do they disagree when the jurists do the same? Just how they have a right to declare a narration as *da’îf* (weak), even more so, do the jurists. Just how they have principles to declare a narration as authentic or weak, so do the jurists. They (the *ghayr muqallidîn*) do not have any proof that their principles are correct and the principles of the jurists are incorrect. These laws are *ijtihâdî* (such a law in which *ijtihâd* is necessary), there are differences of opinion in regard to them. And Allâh ﷺ knows best. (Refer to: *al Irtiyâb* p.32 and *Muqaddamah I'lâus Sunnan fi 'Ulûm al Hadîth* p.33)

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<sup>1</sup> When a law is ruled abrogated due to another law, it is called *mansûkh*. A narration can be made *mansûkh* (abrogated) by another narration and a verse of the Noble Qurân can be made *mansûkh* (abrogated) by another verse.

# Other Books on the Topic of *Taqlīd*

١. عقد الجيد -

Hadrat Shāh Waliullāh Muḥaddith Dehlawī رحمۃ اللہ علیہ

٢. سیل الرشاد -

Hadrat Maulānā Rashīd Aḥmad Gangohī رحمۃ اللہ علیہ

٣. الاقتصاد في التقليد والاجتهداد -

Hadrat Ḥakīmul Ummah Maulānā Ashraf ‘Alī Thanwī رحمۃ اللہ علیہ

٤. تقلید شخصی -

Hadrat Muftī Muḥammad Shafī’ رحمۃ اللہ علیہ

٥. تقلید و اجتہاد -

Hadrat Maulānā Masiḥullah Khān رحمۃ اللہ علیہ

٦. خیر التنقید فی سیر التقلید -

Hadrat Maulānā Khayr Muḥammad رحمۃ اللہ علیہ

٧. انهاء السکن - (v.2)

Hadrat Maulānā Ḥabīb Aḥmad Karānwī رحمۃ اللہ علیہ

٨. تقلید کی شرعی حیثیت -

Hadrat Maulānā Muftī Taqī ‘Uthmānī مد ظله

٩. مقالات ابو الماثر

There are certain topics pertaining to *taqlīd* that are very beneficial, they should also be studied.



فضل الرحمن اعظمي ازادول

Fazlur Rahmān ‘Azmī

13 *Zhul Qa'dah*, 1424, 6 January, 2004